REMARKS

Claims 24-29 and 31-53 remain in this application.

Rejections Under 35 USC 103

Claims 24-53 were rejected under 35 USC 103(a) as being unpatentable over US 2002/0193609 ("Quada") in view of US 5,695,930 ("Weinstein et al.") in view of US 2001/0027205 ("Camden"). See Pages 3-4 of the Office Action. Applicants respectfully disagree. According to the Office Action,

> "Quada discloses a pharmaceutical kit useful for the treatment of cancer or viral infection. And kit comprises one or more containers containing a pharmaceutical composition comprising a therapeutically effective amount of a chemotherapeutic agent. . . . Weinstein discloses a kit comprising a first container containing a solid human immunodeficiency virus antigens, a second container containing a secondary antibody specific for mammalian salivary antibodies and a third compartment containing standard reagents necessary for the reporter molecule to produce a signal . . . Camden discloses a pharmaceutical kit useful, for the treatment of cancer, comprising one or more containers containing a pharmaceutical composition comprising a therapeutically effective amount of a chemotherapeutic agent and carrier such as flavoring agents and like. . . At the time, it would have been obvious to one of ordinary skill in the art to modify the kit to incorporate a flavoring agent in the kit disclosed by Quada and Weinstein."

See pages 3-4 of the Office Action. Applicants respectfully disagree.

Independent claim 24 (from which claims 25-19 and 31-53 depend) recites a "kit comprising a) a first container containing one or more pharmaceutical dosage forms and a flavoring agent; and b) a second container containing one or more additional flavoring agents. (emphasis added)" Thus, claim 24 recites a kit that comprises a container containing pharmaceutical dosage forms and a flavoring agent and another container containing at least one different flavoring agent. As admitted on page 3 of the Office Action, Quada and Weinstein "fail to include flavoring agents in [the] first and second container of the kit." Similarly, while Camden discloses the use of flavoring agent, it also fails to disclose, or suggest, a kit that comprises a container containing a flavoring agent and another container

containing at least one different flavoring agent as recited in the pending claims. Thus, none of the references teach, nor suggest, the kit recited in the pending claims.

In response to the above argument previously put forth in the Prior Response, the Advisory Action asserted that "This argument is not persuasive since the reference is combined for its teachings of knowledge in the art, one or more of various conventional pharmaceutical kit components, such as for e.g., containers with one or more pharmaceutically acceptable carriers (solid or liquid and the type is generally chosen based on the type of administration being used), additional containers etc." The Advisory Action, however, fails to provide specific support for this additional "knowledge in the art," and thus Applicants cannot address this assertion in the Advisory Action. Such support is respectfully requested.

The Prior Response further argued that pending claims 46-53 recite "wherein said one or more additional flavoring agents are flaked films that are capable of being suspended in said one or more pharmaceutical dosage forms." As discussed on page 7 and Example 2 of the specification, Applicants unexpectedly found that by using flaked film flavorants, such flavorants persisted in the oral cavity after swallowing such liquid pharmaceutical dosage. Specifically, as set forth in Example 2, (i) the customized dosage forms containing flaked films significantly reduced the aftertaste of Children's Tylenol® (which already contains a first flavor), (ii) the customized Children's Tylenol® provided a significantly longer lasting flavor experience, (iii) the children were able to distinguish two sequentially-distinct flavors in the customized Children's Tylenol®, and (iv) the flaked films enhanced the overall palatability of Children's Tylenol® suspension, leading to a more likeable taste. The Advisory Action failed to address this argument and, thus, comment is respectfully requested.

Accordingly, Applicants respectfully request that this rejection under 35 USC 103(a) be withdrawn.

Conclusion

For the foregoing reasons, the present application is in condition for allowance. Accordingly, favorable reconsideration of the amended claims in light of the above remarks and an early Notice of Allowance are courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner

is requested to telephone the undersigned Attorney at the below-listed number.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/MCP5019/WEM.

Respectfully submitted,

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